

pared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 30, 1948. Fujimoto & Co. having executed an acceptance of service and authorization for the taking of a final decree, judgment of condemnation was entered and the product was ordered destroyed.

12766. Misbranding of Makamix (sirup flavor). U. S. v. 40 Cartons * * *.
(F. D. C. No. 23362. Sample No. 82542-H.)

LIBEL FILED: July 16, 1947, Western District of Washington. On September 24, 1947, the case was transferred to the Northern District of Indiana.

ALLEGED SHIPMENT: On or about November 3, 1946, by the Jel Sert Co., from Chicago, Ill.

PRODUCT: 40 cartons, each containing 12 5-ounce packages, of sirup flavor at Seattle, Wash.

LABEL, IN PART: "Makamix."

NATURE OF CHARGE: Misbranding, Section 403 (a), the following statements in the labeling were misleading: (Carton) "Make your own syrup with Makamix 5 packages makes 5 pints of delicious syrup"; (package) "Makamix for making delicious pancake and waffle syrup composed of dextrose"; and (pamphlet) "Makes 5 pints of delicious pancake or waffle syrup." These statements represented and suggested that the article would make table sirup when mixed with water, whereas the article would make a slightly sweetened artificially colored and flavored water solution of dextrose. Further misbranding, Section 403 (k), the article contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: December 20, 1947. The sole intervener having consented to the entry of the decree, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, after being marked "Condemned as misbranded and not to be sold."

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

12767. Adulteration of dietary aids. U. S. v. Frank W. Bower (Bower Family Laboratories). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 20192. Sample Nos. 27852-H, 27853-H.)

INFORMATION FILED: November 20, 1946, Southern District of California, against Frank W. Bower, trading as Bower Family Laboratories, Sierra Madre, Calif.

ALLEGED SHIPMENT: On or about June 2, 1945, from the State of California into the State of Washington.

LABEL, IN PART: "Dex-Tro-Bese No. 11 A Dietary Aid," or "Dex-Tro-Special No. 20 A Dietary Aid."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the articles, calcium, phosphorus, and iron, had been in part omitted and abstracted from them. Four heaping teaspoonfuls of the articles were represented to contain 985 milligrams of calcium, 750 milligrams of phosphorus, and 17.50 milligrams of iron, whereas 4 heaping teaspoonfuls of the articles actually contained less calcium, phosphorus, and iron than represented.

DISPOSITION: December 23, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$50 on each count, a total fine of \$100.

12768. Adulteration and misbranding of brewer's yeast tablets and Bex. U. S. v. William T. Thompson Company, a Corporation, and William T. Thompson. Pleas of nolo contendere. Corporation fined \$4; William T. Thompson given suspended sentence and 5 years' probation, conditioned that he pay a fine of \$1,000 and donate a certain sum to charity. (F. D. C. No. 21528. Sample Nos. 30659-H, 30686-H.)

INFORMATION FILED: February 6, 1947, Southern District of California, against the William T. Thompson Co., a corporation, Los Angeles, Calif., and William T. Thompson, president.

ALLEGED SHIPMENT: January 16 and May 8, 1946, from the State of California into the State of Arizona.

*See also Nos. 12649, 12650.

LABEL, IN PART: "Thompson's Standardized Vitamins Brewers' Yeast Tablets," or "Thompson's Bex A concentrated protein food rich in Vitamin B-Complex."

NATURE OF CHARGE: Thompson's Brewers' Yeast Tablets. Adulteration, Section 402 (b) (1), a valuable constituent of the article, niacin, had been in whole or in part omitted and abstracted from it. One tablet of the article was represented to provide 250 micrograms of niacin, whereas one tablet would provide a smaller amount. Misbranding, Section 403 (a), the label statements "These tablets conform to the following Vitamin potencies * * * niacin (a B-Complex Vitamin) 250 Micrograms" were false and misleading.

Thompson's Bex. Adulteration, Section 402 (b) (1), valuable constituents of the article, vitamin B₁ and niacin, had been in whole or in part omitted and abstracted from it, since 5 grams of the article were represented to provide 250 U. S. P. units of vitamin B₁ and 3,500 micrograms of niacin. Actually, 5 grams of the article would provide smaller amounts of vitamin B₁ and niacin. Misbranding, Section 403 (a), the label statements "Each teaspoonful of Bex (5 grams) contains: 250 U. S. P. Units, Vitamin B₁; 3,500 Micrograms, Niacin" were false and misleading.

DISPOSITION: March 17, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of \$4 against the corporation. The sentence of William T. Thompson was suspended, and he was placed on probation for a period of 5 years, conditioned that he pay a fine of \$1,000 and donate \$10 per month to charity during the 5-year period.

12769. Adulteration and misbranding of multiple vitamin capsules. U. S. v. Vitex Vitamin Corporation, Ben L. Grossberg, and Norman H. Less. Pleas of guilty. Fines of \$200 each against corporation and individual defendants. (F. D. C. No. 20201. Sample No. 13648-H.)

INFORMATION FILED: November 20, 1946, Northern District of Ohio, against the Vitex Vitamin Corporation, formerly trading as the Rex Vitamin Corporation, Cleveland, Ohio, and Ben L. Grossberg, president, and Norman H. Less, vice president, of the corporation.

ALLEGED SHIPMENT: February 8, 1945, from the State of Ohio into the State of Tennessee.

LABEL, IN PART: "Optimals Special Formula Multiple Vitamin Capsules."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the article, vitamin B₁, vitamin B₂ (G) (riboflavin), and vitamin C, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), the label statements, "Each one of these special formula capsules contains Vitamin B₁ (Thiamin Hydrochloride) 10 Mg. (3,330 U. S. P. Units) 10 times daily requirement Vitamin B₂ (G) (Riboflavin) 4 Mg. (4,000 Gamma) 2 times daily requirement Vitamin C (Ascorbic Acid) 100 Mg. (2,000 U. S. P. Units) 3 1/3 times daily requirement," were false and misleading, since the article contained less than the declared amounts and would supply smaller proportions of the minimum daily requirements for these vitamins than declared.

Further misbranding, Section 403 (a), the label statements, "Official minimum daily adult requirement (Federal Food and Drug Administration) Vitamin B₆ (Pyridoxine Hydrochloride) Not as yet established * * * Calcium Pantothenate Not as yet established * * * Vitamin E (Wheat Germ Oil) Not as yet established," are misleading. These statements represented and suggested and created in the mind of the reader the impression that the need for these vitamins in human nutrition had been generally recognized, although the amounts required daily had not been established. The need for vitamin B₆ (pyridoxine hydrochloride), calcium pantothenate, and vitamin E (wheat germ oil) in human nutrition has not been generally recognized.

Further misbranding, Section 403 (f), certain words, statements, and information required by law to appear on the label of the article were not prominently placed thereon with such conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use. The statements with regard to the vitamins contained in the article, which are required by regulations to appear on the label, appeared on the bottom of the box.